IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1521 OF 2006
CHAMBER SUMMONS NO.271 OF 2007
IN
SUIT NO.93 OF 2005

Vinodkumar Thakhatmal Kacchara .. Plaintiff

vs

Sohanlal Vardichand Dhakad & anr.. Defendants

Mr.S.A.Sawant with Mr.H.V.Kode for Plaintiff

Mr.S.C.Naidu i.b Pratap Singh for Defendant nos.2 & 3

Mr.Dipesh Siroya i/b L.J.Law for Defendant No.1
Mr.D.V.Deokar,Ist Asst to C.R. and Mr.C.B. Bhogaonkar 2nd Asst. to C.R.present

CORAM : SMT R.S.DALVI, J

DATE : 2nd March, 2007

P.C.

1. Court Receiver has been appointed in respect of the suit premises which is a shop being shop no.1 in Shradha Apts Cooperative Housing Society on C.T.S.No.279 at Kurla, Mumbai admeasuring 171 sq.ft. The valuation of the suit shop shown in the plaint is Rs.8,00,000/-. The defendant nos. 2 and 3 admit that valuation.

2. The defendant no.3 is put in possession of the suit premises as agent of the Court Receiver "subject to usual conditions regarding payment of royalty and security".

3. A review from the order for payment of the royalty and security has been rejected. The defendant no. 3 therefore has to pay royalty

subject to usual conditions thereof. The property is admittedly worth Rs.8,00,000/-. Court Receiver has fixed valuation at Rs.10,000/-p.m. The return on an investment of Rs.8,00,000/- is accurately Rs.10,000/-. Therefore ad-hoc royalty need not be interfered with. There shall be no order on both the Chamber summons. The defendant no. 3 shall pay the royalty fixed if not paid within two weeks. The defendant no.3 shall continue to pay royalty as directed. If the defendants default, the Court Receiver shall adopt usual due procedure.

(Smt R.S.Dalvi, J)